



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

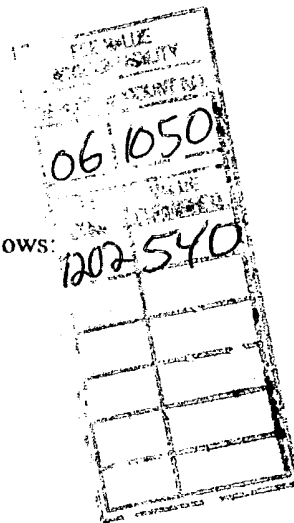
Applicant : Murali Nayudu et al
Serial No. : 09/890,306
Filed : July 27, 2001
Title : A METHOD OF CONTROLLING FUNGAL PATHOGENS, AND AGENTS
USEFUL FOR SAME

Art Unit : 1638
Examiner : David H. Kruse

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**RESPONSE TO RESTRICTION REQUIREMENT
AND PRELIMINARY AMENDMENT**

Prior to examination, please amend the above-identified application as follows:



CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

March 4, 2004

Date of Deposit

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Deborah R. Nast

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Page : 18 of 18

Attorney's Docket No.: 13377-002001 / 500840/MRO


New claims 73-81 are drawn to various embodiments of the biocontrol agent covered by elected claim 24. New claims 82-91 are drawn to a method of treating fungal infection in a plant using the biocontrol agent covered by elected claim 24. New claims 92-101 are drawn to a method of enhancing post-harvest storage of a plant product using the biocontrol agent covered by elected claim 24. New claim 102 is drawn to a phytoprotective composition containing the biocontrol agent covered by elected claim 24. In other words, each of the new claims either covers "a product or a process of use of said product." Thus, Applicants submit that claims 24-27 and 73-102 relate to a single invention under 37 CFR 1.475(b) and request that these claims be examined and allowed.

Enclosed is a \$1005 check for the Petition for Five Month Extension of Time fee. Please apply any charges or credits to Deposit Account No. 06-1050, referencing Attorney Docket No. 13377-002001.

Respectfully submitted,

Date: _____

3-4-04


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